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C O N F I D E N T I A L SECTION 01 OF 04 SOFIA 000072

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DEPT FOR EUR/NCE, NEA/MAG AND L (J. SCHWARTZ)  
LONDON FOR TSOU

E.O. 12958: DECL: 01/17/2017

TAGS: PREL PHUM EUN LY BU

SUBJECT: BULGARIAN NURSES IN LIBYA: GOB REASSURED, AGREES  
ONLY SOLUTION IS DIPLOMATIC

REF: A. TRIPOLI 24

1B. 06 SOFIA 1695  
1C. SOFIA 26

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CLASSIFIED BY: AMBASSADOR JOHN BEYRLE, REASONS 1.4(B) AND (D).

11. (C) SUMMARY. U.S., UK, EU, AND BULGARIAN REPRESENTATIVES AGREED IN SOFIA JANUARY 16 THAT CONTINUED PRIVATE TALKS WITH LIBYAN MFA DIRECTOR OBEIDI OFFERED THE BEST HOPE FOR GAINING THE RELEASE OF THE FIVE BULGARIAN NURSES AND ONE PALESTINIAN DOCTOR JAILED IN LIBYA SINCE 1999 FOR ALLEGEDLY SPREADING THE HIV VIRUS IN BENGHAZI. ALL SIDES AGREED THAT A "FIVE-PARTY" (U.S., EU, UK, BULGARIA, LIBYA) MEETING WITH OBEIDI SHOULD FOLLOW, AND THE UK AMBASSADOR TO TRIPOLI UNDERTOOK TO APPROACH OBEIDI JOINTLY WITH U.S. CHIEF OF MISSION CECIL. PRESIDENT PARVANOV AND FM KALFIN EXPRESSED FRUSTRATION WITH PERCEIVED LIBYAN INTRANSIGENCE, BUT WERE VISIBLELY BUOYED BY THE PRESENCE OF THEIR INTERNATIONAL PARTNERS AND CLEARLY HEARD U.S. AND EU PLEAS TO LOWER THE RHETORICAL TEMPERATURE WITH LIBYA. PARTICIPANTS AGREED ON A BALANCED DRAFT STATEMENT FOR THE JANUARY 22 GAERC MEETING THAT EXPRESSED "FULL SOLIDARITY" WITH BULGARIA AND CALLED ON LIBYA TO RELEASE THE NURSES, BUT ALSO REITERATED THE COUNCIL'S "COMPASSION AND SOLIDARITY WITH THE CHILDREN OF BENGHAZI." ALL REJECTED LIBYAN LEADER QADHAFI'S IMPLICIT LINK BETWEEN THE FATE OF THE NURSES AND THAT OF CONVICTED LOCKERBIE BOMBER MEGRAHI. END SUMMARY.

12. (U) PARTICIPANTS:

U.S.:  
AMBASSADOR JOHN BEYRLE  
TRIPOLI COM CHARLES CECIL  
SOFIA POL-ECON COUNSELOR BRAD FREDEN (NOTETAKER)

UK:  
AMBASSADOR TO TRIPOLI VINCENT FEAN  
SOFIA DCM NICK LEAKE  
FCO LIBYA DESK OFFICER MARK PETHICK

EUROPEAN COMMISSION:  
AMBASSADOR TO ANKARA MARC PIERINI, INTERNATIONAL FUND COORDINATOR

GERMAN PRESIDENCY:  
AMBASSADOR TO SOFIA MICHAEL GEIER

BULGARIA:

FOREIGN MINISTER IVAILO KALFIN  
DEPUTY FOREIGN MINISTER FEIM CHAUSHEV  
MIDDLE EAST DIRECTOR PETKO DOYKOV  
LIBYA DESK OFFICER DEYAN KATRATCHEV

IN A LAST-MINUTE CHANGE OF PLAN, PARTICIPANTS ALSO MET FOR NEARLY AN HOUR WITH BULGARIAN PRESIDENT GEORGI PARVANOV IN HIS OFFICE.

BUCKING UP THE BULGARIANS

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¶3. (C) IN MEETINGS WITH PRESIDENT PARVANOV AND FOREIGN MINISTER KALFIN JANUARY 16, THE U.S., UK AND EU EXPRESSED WELCOME SOLIDARITY WITH BULGARIA'S EFFORTS TO FREE THE FIVE NURSES IMPRISONED IN LIBYA. UK AMBASSADOR TO TRIPOLI FEAN CALLED THE NURSES PLIGHT "A CENTRAL PREOCCUPATION OF OUR BILATERAL RELATIONSHIP WITH LIBYA" AND SAID THEIR RELEASE MUST BE "A PRELUDE TO FURTHER DEVELOPMENT OF RELATIONS." FCO LIBYA DESK OFFICER PETHICK CONFIRMED THAT PM BLAIR'S FOREIGN POLICY ADVISOR NIGEL SHEINWALD HAD TOLD OBEIDI THAT BLAIR WOULD NOT VISIT LIBYA AS LONG AS THE NURSES REMAINED IN CAPTIVITY. FEAN NOTED THAT MUSA KUSA HAD RECENTLY RECEIVED A SIMILAR REBUFF IN MADRID, AND THAT CHIRAC HAD MADE CLEAR THAT QADHAFI WOULD NOT BE WELCOME IN PARIS UNDER CURRENT CIRCUMSTANCES. AMBASSADOR MARC PIERINI, REPRESENTING THE EUROPEAN COMMISSION, TOLD PARVANOV "THE UNDERLYING MESSAGE IS THAT QADHAFI CANNOT VISIT EU CAPITALS UNTIL THIS IS RESOLVED." AMBASSADOR BEYRLE SAID THAT RESOLVING THIS ISSUE WOULD HELP LIBYA OPEN THE DOOR TO A BROADER RELATIONSHIP WITH THE U.S. AND THE EU. PARVANOV, KALFIN AND DEPUTY FOREIGN MINISTER CHAUSHEV APPEARED VISIBLY BUOYED BY THE SHOW OF SUPPORT. IN THE WAKE OF LIBYA'S REAFFIRMATION OF THE DEATH PENALTY FOR THE NURSES ON DECEMBER 19, ALL THREE FACED FIERCE CRITICISM FROM THE PRESS AND PARLIAMENT FOR THE ALLEGED FAILURE OF THEIR "QUIET DIPLOMACY" WITH LIBYA.

NEED FOR STRONG PRIVATE DIPLOMACY . . .

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¶4. (C) ALL OF BULGARIA'S PARTNERS EMPHASIZED THAT, CONTRARY TO STATEMENTS BY SOME BULGARIAN POLITICIANS, THE TIME FOR QUIET DIPLOMACY WAS NOT OVER. "IF THE DIPLOMATIC APPROACH FAILS, THERE IS NO PLAN B," FEAN TOLD PARVANOV. THE BULGARIAN LEADERSHIP'S WILLINGNESS TO ACCEPT THIS UNPALATABLE TRUTH VARIED IN PROPORTION TO THEIR DAY-TO-DAY INVOLVEMENT WITH THE PROBLEM: CHAUSHEV NEEDED NO CONVINCING, WHILE KALFIN SEEMED TO SOFTEN HIS VIEWS AS THE TALKS PROGRESSED AND PARVANOV -- THE ONLY ELECTED OFFICIAL AMONG THE THREE -- ACCEPTED THE ARGUMENT RATHER GRUDGINGLY. IN THE END, ALL AGREED ON THE NEED TO CONTINUE TALKING TO OBEIDI.

¶5. (C) KALFIN SAID HE HAD SPOKEN OVER THE WEEKEND TO EU EXTERNAL AFFAIRS COMMISSIONER FERRERO-WALDNER AND GERMAN FOREIGN MINISTER STEINMEIER. THE RESULT WAS A DRAFT STATEMENT FOR THE JANUARY 22 GAERC, CIRCULATED BY THE GERMAN PRESIDENCY AND CALLING ON LIBYA TO RELEASE THE NURSES. AFTER REVIEWING THE DRAFT, THE UK AND EU REPRESENTATIVES ARGUED THAT IT NEEDED MORE BALANCE, CITING AS THEIR EXAMPLE SECRETARY RICE'S DECEMBER 19 STATEMENT. PIERINI ADDED THAT THE STATEMENT SHOULD IMPLY AT LEAST A SYMBOLIC INCREASE IN RESOURCES FOR THE INTERNATIONAL FUND, AS REQUESTED BY OBEIDI IN LONDON (REF A). ON FURTHER DISCUSSION, THE PARTICIPANTS AGREED TO ADD FOUR ADDITIONAL POINTS TO THE GAERC'S DRAFT CONCLUSIONS:

-- COMPASSION AND SOLIDARITY WITH THE BENGHAZI VICTIMS;  
-- READINESS TO CONTINUE CONTRIBUTING TO THE CHILDRENS LONG-TERM HEALTH CARE "THROUGH APPROPRIATE MEANS;"  
-- CONTINUED DIALOGUE WITH THE LIBYAN AUTHORITIES AND THE BENGHAZI FAMILIES;  
-- "FULL SOLIDARITY WITH BULGARIA."

¶6. (C) THE EUROPEAN PARTICIPANTS AGREED THAT IT WAS ENTIRELY APPROPRIATE FOR BULGARIA TO CALL FOR AN EXPRESSION OF

SOLIDARITY FROM THE GAERC. QADHAFI WOULD READ BETWEEN THE LINES, PIERINI SAID, AND SEE THAT HIS RELATIONSHIP WITH THE EU AND ITS MEMBER STATES DEPENDED ON RESOLVING THIS ISSUE. AT THE SAME TIME, BULGARIA AND ITS U.S./UK/EU PARTNERS MUST RE-ENGAGE WITH OBEIDI USING THE 2005 EU PRESIDENCY PAPER (DRAFTED BY THE UK) AS THE TEMPLATE. CHAUSHEV AGREED THAT THE GROUP'S NEXT MEETING SHOULD BE WITH OBEIDI AND ACCEPTED THE UK'S OFFER TO APPROACH HIM JOINTLY WITH THE U.S. EMBASSY IN TRIPOLI. THERE WAS GENERAL AGREEMENT THAT ALL PARTICIPANTS WOULD EMPHASIZE TO OBEIDI THE IMPORTANCE OF COMPLETING THE JUDICIAL PROCESS AS QUICKLY AS POSSIBLE SO THAT THE HIGHER JUDICIAL COUNCIL COULD ACT WITHOUT DELAY.

¶17. (C) AMBASSADOR BEYRLE NOTED THAT WE ARE ENTERING WHAT WE HOPE IS THE END GAME IN THE NURSES' SAGA, MAKING IT EVEN MORE IMPORTANT THAT BULGARIA AND ITS PARTNERS SPEAK WITH ONE VOICE. HE AND COM CECIL STRESSED THAT THE BULGARIAN SIDE SHOULD BE PREPARED TO ACT QUICKLY IF AND WHEN THE LIBYAN HIGHER JUDICIAL COUNCIL OPENS THE DOOR TO THE NURSES RELEASE. THE PROCESS SHOULD RELY AS MUCH AS POSSIBLE ON PRECEDENT AND EXISTING TREATY ARRANGEMENTS SO AS NOT TO GIVE THE LIBYANS ANY EXCUSE FOR ELAY. CHAUSHEV RESPONDED THAT BULGARIA WAS ALREADY PREPARING A DRAFT MEMORANDUM UNDER THE TERMS OF TS BILATERAL AGREEMENT WITH LIBYA ON EXCHANGE OF PRISONERS. ALL AGREED THAT THE END OF THE JUDICIAL PROCESS WOULD BE THE TIME FOR BULGARIA AND ITS INTERNATIONAL PARTNERS TO REDOUBLE THEIR DIPLOMATIC EFFORTS WITH LIBYA, PERHAPS BY ENGAGING QADHAFI DIRECTLY.

AND A SOFTER PUBLIC LINE

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¶18. (C) AMBASSADOR BEYRLE SAID THAT THE USGS PRIVATE MESSAGES TO THE LIBYANS ON THIS ISSUE WOULD ALWAYS BE STRONGER THAN ITS PUBLIC STATEMENTS, REFLECTING OUR BELIEF THAT THE DIPLOMATIC TRACK HOLDS THE BEST HOPE FOR BRINGING THE NURSES HOME. EUROPEAN AND AMERICAN PARTICIPANTS ALSO STRESSED THE NEED FOR BULGARIA TO TURN DOWN THE RHETORICAL HEAT (REFS B/C), AND TO PREPARE THE PUBLIC FOR THE SUPREME COURT'S LIKELY REAFFIRMATION OF THE DEATH PENALTY. ATTEMPTS TO PRESSURE QADHAFI THROUGH HARSH PUBLIC STATEMENTS WERE COUNTERPRODUCTIVE AND WOULD MOVE BULGARIA FURTHER FROM ITS GOAL OF BRINGING THE NURSES HOME.

¶19. (C) DEPUTY FOREIGN MINISTER CHAUSHEV AGREED ENTIRELY, BUT LAMENTED THAT "PUBLIC OPINION IN BULGARIA CALLS FOR A MORE MUSCULAR APPROACH." HE SAID THE MFA WAS FIGHTING A REAR-GUARD BATTLE AGAINST RESOLUTIONS PROPOSED BY BULGARIAN DEPUTIES IN BOTH THE NATIONAL ASSEMBLY AND THE EUROPEAN PARLIAMENT CALLING FOR EVERYTHING FROM A TRADE EMBARGO ON

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LIBYA TO A MILITARY RESCUE ATTEMPT. CHAUSHEV WAS DISMISSIVE OF THESE MOVES, BUT CITED THEM AS EXAMPLES OF THE PRESSURES THE MINISTRY FACED. PARVANOV PUT IT MORE BLUNTLY: "WE ARE OPEN TO DIALOGUE, BUT THE LIBYAN APPROACH MUST ALSO BE TAKEN INTO ACCOUNT. THE LIBYANS MUST UNDERSTAND THAT ANOTHER DEATH SENTENCE CANNOT PASS WITH SILENCE FROM THE BULGARIAN SOCIETY. THEY CANNOT EXPECT THE REACTION TO BE ANYTHING BUT FIRM AND HARSH."

FRUSTRATION SHOWS THROUGH

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¶110. (C) WHILE STUDIOUSLY AVOIDING INFLAMMATORY LANGUAGE, BULGARIAN OFFICIALS FROM THE PRESIDENT ON DOWN COULD NOT ALWAYS HIDE THEIR FRUSTRATION WITH THE LIBYANS. IN PARVANOV'S WORDS, "LIBYA MUST SHOW SOME UNDERSTANDING OF OUR POSITION IN THE SAME WAY WE HAVE TRIED TO UNDERSTAND THEIR POSITION." THE PRESIDENT ASKED DETAILED QUESTIONS INDICATING THAT HE WAS FOLLOWING THE ISSUE VERY CLOSELY. HIS SENSE OF BETRAYAL SHOWED THROUGH WHEN HE ASKED WHAT HE CALLED "A QUESTION THAT HAS BEEN TORTURING ME SINCE DECEMBER 19: " WHY DID THE LIBYAN COURT REAFFIRM THE DEATH SENTENCES AFTER WHAT HE CHARACTERIZED AS "THE PREVIOUS DIPLOMATIC BREAKTHROUGH?"

¶11. (C) FOR HIS PART, KALFIN ASKED RHETORICALLY WHY BULGARIAN OFFICIALS WERE BEING URGED TO PLACATE THEIR PUBLIC WHILE LIBYAN OFFICIALS SEEMED TO BE PANDERING TO THE FAMILIES OF THE VICTIMS? THE LIBYAN GOVERNMENT MUST STATE CLEARLY THEIR COMMITMENT TO THE INTERNATIONAL FUND AND TO DEALING THE FAMILIES," HE SAID. REFERRING TO THE FUND AND THE LIBYAN COURTS RULING ON COMPENSATION, KALFIN ASSERTED THAT THE GOB SHOULD BE TELLING THE FAMILIES, "THIS IS SIGNIFICANT," IF IT IS SERIOUS ABOUT RESOLVING THE PROBLEM. "INSTEAD," HE ASSERTED, "THEY ARE DOING THE OPPOSITE."

THE LIBYAN DYNAMIC

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¶12. (C) THE BULGARIANS AGREED WITH US AND OUR EUROPEAN COUNTERPARTS THAT THE LIBYAN SUPREME COURT WAS LIKELY TO UPHOLD THE NURSES' DEATH SENTENCE SOMETIME IN THE COMING WEEKS, THUS BRINGING THE LIBYAN JUDICIAL PROCESS TO A CLOSE. THIS WOULD ALLOW THE HIGHER JUDICIAL COUNCIL -- A GOVERNMENT BODY -- TO ACT ON THE NURSES BEHALF, SHOULD QADHAFI DECIDE TO RELEASE THEM, BUT IT WILL ALSO PRESENT THE GOB WITH ANOTHER ROUND OF PUBLIC AND PARLIAMENTARY OUTRAGE THAT IT MUST MANAGE. ALL AGREED THAT WE MUST URGE THE GOB TO ACT QUICKLY IN THE EVENT THE DEATH SENTENCES ARE UPHELD. IN ANY CASE, KALFIN SAID, "IT WILL BE A VERY DIFFICULT MOMENT FOR US."

¶13. (C) THE EU'S PIERINI SAID THE ONLY SIGNIFICANT CHANGE IN LIBYAS POSITION SINCE THE LAST MEETING WAS THAT THE GOB NOW AGREED THAT THE BENGHAZI FAMILIES WOULD RECEIVE MONEY FROM BOTH THE GOVERNMENT (AS A RESULT OF THE CIVIL SUIT AGAINST THE NURSES) AND THE INTERNATIONAL FUND. PIERINI ADDED THAT THE VERDICT AWARDING COMPENSATION TO THE FAMILIES IS VERY ENCOURAGING. "IT APPEARS THE LIBYANS ARE TRYING TO PERSUADE THE FAMILIES TO SHUT UP IN EXCHANGE FOR MONEY," PIERINI SAID. THEY WERE, HOWEVER, DELIBERATELY AVOIDING CLARITY ON THE RELATIONSHIP BETWEEN THE FUND AND THE COMPENSATION THAT THE GOVERNMENT WOULD PROVIDE.

¶14. (C) RESPONDING TO OBEIDI'S PLEA FOR A SYMBOLIC SWEETENER (REF A), PIERINI SUGGESTED A FORMAL TWINING ARRANGEMENT BETWEEN THE BENGHAZI CENTER AND HOSPITALS IN ITALY, FRANCE AND OTHER EU COUNTRIES. THIS, ALONG WITH A STATEMENT OF THE EU'S COMMITMENT TO THE CHILDREN'S LONG-TERM CARE, COULD GIVE OBEIDI THE COVER HE IS LOOKING FOR AND ALLOW HIM TO GO BACK TO QADHAFI. KALFIN QUESTIONED WHETHER THE LIBYANS WERE NOT JUST MOVING THE GOAL POSTS AND WHETHER THEY MIGHT NOT CONTINUE TO DO SO IF THE RESPONSE FROM THE EU WAS POSITIVE, TO WHICH FEAN REPLIED, "WE NEED TO TEST OBEIDI." PIERINI REITERATED THAT THE VICTIMS' RELATIVES WILL NEVER BE SATISFIED; IN THE END, IT IS UP TO THE LIBYANS TO HANDLE THE FAMILIES. FEAN SUGGESTED THAT ANY ACTUAL "TOPPING UP" OF THE FUND BE HELD IN RESERVE, CONTINGENT ON A FAVORABLE OUTCOME IN THE NURSES CASE. ALL PARTICIPANTS AGREED THAT SAIF AL-ISLAM, QADHAFI'S SON AND THE DIRECTOR OF THE QADHAFI FOUNDATION, WAS NOT A RELIABLE CHANNEL FOR NEGOTIATIONS.

NEXT STEPS

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¶15. (C) KALFIN SUMMARIZED THE GOB'S WAY FORWARD AS FOLLOWS:

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-- CONTINUE THE STRATEGY OF ENGAGEMENT WITH OBEIDI OUTLINED IN THE 2005 EU PRESIDENCY PAPER.  
-- URGE THE LIBYANS TO CONCLUDE THEIR JUDICIAL PROCESS EXPEDITIOUSLY.  
-- SEEK A STATEMENT FROM LIBYA ACKNOWLEDGING THAT THE INTERNATIONAL FUND IS "REAL" AND "A TANGIBLE SIGN OF SOLIDARITY WITH THE CHILDREN."  
-- MAINTAIN AND STRENGTHEN INTERNATIONAL SOLIDARITY, INCLUDING AT LEAST TACIT AGREEMENT BY THE EU AND THE U.S. NOT TO MEET WITH QADHAFI UNTIL THE NURSES COME HOME.  
-- AVOID COUNTERPRODUCTIVE PUBLIC STATEMENTS, E.G., CONDEMNING LIBYA OR QUESTIONING THE INTEGRITY OF ITS JUDICIAL

SYSTEM.

-- REJECT ANY LINK BETWEEN THE NURSES' FATE AND THAT OF CONVICTED LOCKERBIE BOMBER MEGRAHI. KALFIN POINTED OUT THAT BY LINKING THE NURSES TO MEGRAHI, "LIBYA IS TESTING NOT BULGARIA, BUT THE INTERNATIONAL COMMUNITY."

COMMENT: 90 PERCENT OF SUCCESS IS SHOWING UP

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¶16. (C) PARVANOV AND KALFIN WERE CLEARLY PLEASED BY THIS SHOW OF INTERNATIONAL SOLIDARITY FROM BULGARIA'S EUROPEAN AND AMERICAN PARTNERS. BULGARIA'S POLITICAL LEADERSHIP HAD BEEN LED TO BELIEVE -- OR LED THEMSELVES TO BELIEVE -- THAT THE LIBYAN HIGH COURT WOULD REDUCE THE NURSES' SENTENCES ON DECEMBER 19, THEREBY PAVING THE WAY FOR THEIR RETURN. THEY WERE THEREFORE BITTERLY DISAPPOINTED WHEN THE COURT UPHELD THE DEATH SENTENCES, WHICH MAY EXPLAIN THEIR INITIAL HARSH PUBLIC STATEMENTS (REFS B/C). AS A RESULT OF OUR DIPLOMATIC HAND-HOLDING, THE BULGARIANS ARE NOW SAYING OUT LOUD WHAT THEY HAVE KNOWN ALL ALONG: THAT THERE IS NO ALTERNATIVE TO THE MULTI-LATERAL DIPLOMATIC APPROACH .

¶17. (C) BULGARIA WILL CONTINUE TO LOOK TO THE EU AND ESPECIALLY THE U.S. FOR BEHIND-THE-SCENES LEVERAGE OVER QADHAFI, RECOGNIZING THAT TOUGH PRIVATE MESSAGES ARE LIKELY TO HAVE GREATER IMPACT THAN PUBLIC STATEMENTS. AT THE SAME TIME, BULGARIA URGED US TO UNDERSTAND HOW DEEPLY THE NURSES' PLIGHT IS FELT HERE AND THE DIFFICULTY OF MESSAGE CONTROL. AS PARVANOV SAID POINTEDLY, "I'M SURE YOU HAVE SEEN HOW PAINFUL THIS ISSUE IS FOR ALL OF US." AS BULGARIA CONTINUES TO SIDE WITH US THROUGH TROOP EXTENSIONS IN IRAQ AND AFGHANISTAN, NOTHING THE USG CAN DO IN BULGARIA THIS YEAR WILL HAVE AS MUCH POSITIVE RESONANCE AS THE PERCEPTION THAT WE HELPED TO BRING ABOUT THE RELEASE OF THE NURSES. WE URGE WASHINGTON TO TAKE EVERY OPPORTUNITY TO MAKE CLEAR TO THE LIBYANS THAT THE NURSES' CONTINUED DETENTION IS A SERIOUS OBSTACLE TO THE BROADER RELATIONSHIP BOTH WE AND THEY WANT.

¶18. (U) U.S. EMBASSY TRIPOLI DID NOT HAVE THE OPPORTUNITY TO REVIEW THIS MESSAGE PRIOR TO RELEASE.  
BEYRLE